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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/810,339	03/19/2001	Hiroshi Yamaguchi	Q62091	6698
7590	03/09/2005		EXAMINER	
SUGHRUE, MION,ZINN, MACPEAK & SEAS, PLLC 2100 PENNSYLVANIA AVENUE, N.W. WASHINGTON, DC 20037-3213			HO, TUAN V	
			ART UNIT	PAPER NUMBER
			2615	

DATE MAILED: 03/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/810,339	YAMAGUCHI, HIROSHI	
	Examiner	Art Unit	
	Tuan V Ho	2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 04 November 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-3 and 5-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 9-18 is/are allowed.
- 6) Claim(s) 1-3,5-6, 8 and 19 is/are rejected.
- 7) Claim(s) 7 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

1. Applicant's arguments with respect to claims 1-3, 5-8 and 19 have been considered but are moot in view of the new ground(s) of rejection.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5-6, 8 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Ernest (US 4,879,592).

With regard to claim 1, Ernest discloses in Figs. 1 and 2, a camera apparatus that comprises the photographing device (camera apparatus 10, col. 2, line 51), an optical lens (lens system 11), a photographing unit for taking an image of a subject imaged through the optical lens (CCD sensor 12), light quantity adjustment unit for partially adjusting a light quantity of the image of said subject, which is provided in an optical path of light carrying the image of said subject and between said optical lens and said photographing unit (combination of variable aperture iris diaphragm 14 and color component shutter 24 is used to control light quantity of the

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object image by varying the iris diaphragm, col. 3, lines 34 and col. 4, lines 25-50), and light quantity adjustment unit is a unit for adjusting the light quantity of the image of said subject for each color channel of said photographing unit when the image is taken by said photographing unit (Figs. 4A-4F show operations of shutter 24 where blades 34 and 36 are used to display filters R, G and B; where the iris working in combination with the color shutter adjusts the light intensity or quantity of the object for each color channel).

With regard to claim 2, Ernest discloses in Figs. 1 and 2, a camera apparatus that comprises the light quantity adjustment unit is a unit for relatively reducing a light quantity of an area corresponding to a bright portion of the image of the subject (the combination of the iris 14 and color shutter 24 reduces the light quantity of the subject image in overall by reducing the size of an iris aperture; therefore, the iris inherently reduces the a bright portion of an area of the image).

With regard to claim 3, Ernest discloses in Figs. 1 and 2, a camera apparatus that comprises the light quantity adjustment unit is a unit for relatively increasing a light quantity of an area corresponding to a dark portion of the image of said subject when the image is taken by said photographing unit (the

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combination of the iris 14 and color shutter 24 can increase the light quantity of the subject image in overall by increasing the iris aperture; therefore, the iris inherently increases the a dark portion of an area image).

With regard to claim 5, Ernest discloses in Figs. 1 and 2, a camera apparatus that comprises the photographing unit is an image pickup device (CCD sensor 12, col. 2, line 59).

With regard to claim 6, Ernest discloses in Figs. 1 and 2, a camera apparatus that comprises the a filter through which the light carrying the image of said subject is transmitted and is a light transmittance variable filter which changes a light transmittance of an area corresponding to a portion of the image of said subject where the light quantity is adjusted (color shutter 24 is a light transmittance variable filter since the shutter can change the filter in three different color R, G and B; where the color filters inherently change the light transmittance of an area corresponding to a portion a an image).

With regard to claim 8, Ernest discloses in Figs. 1 and 2, a camera apparatus that comprises the light quantity adjustment unit is disposed at a position deviating from an imaging position where the image of the subject is imaged by the optical lens (color shutter 24 can be moved in a deviating position (up

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or down) from an imaging position in order to change the light transmittance of the color shutter as shown in Figs 4A-4F).

With regard to claim 19, Ernest discloses in Figs. 1 and 2, a camera apparatus that comprises the wherein when the photographing unit is a unit for reading the image of said subject photoelectrically, information on an adjustment of the light quantity in said light quantity adjustment unit is recorded and held together with image data read after the adjustment has been made by said light quantity adjustment unit (camera apparatus 10 of Ernest is a still video camera, col. 2, lines 68 and col. 3, line 1 and Fig. 1; therefore, a recording circuit and a recording memory are inherently included in the camera so as to store images after shooting; and an object image taken by the camera apparatus after passing through the iris and shutter to the CCD image sensor is converted into a video signal; where the image is read by preamp 22 and processed by video processing 18; it is noted that the video image data is inherently included adjustment information and recorded into the memory).

3. Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent

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form including all of the limitations of the base claim and any intervening claims.

4. Claims 9-18 are allowed.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to TUAN HO whose telephone number is (703) 272-7365. The examiner can normally be reached on Mon-Fri from 7AM to 4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, Thai Tran can be reached on (703) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.


TUAN HO

Primary Examiner

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